

Remarks

Claims 1-33 are currently pending. Claims 1-6, 10-21 and 25-33 have been withdrawn from consideration. Claims 27-30 have been canceled, as being drawn to a non-elected invention. Claims 7, 9, 22 and 24 have been amended. New claims 34-37 have been added. Support for the claim amendments and new claims can be found throughout the specification. For example, support for the amendments to claims 7 and 22 can be found at page 50, lines 16-17. Support for the amendment to claim 24 can be found, e.g., at page 21, line 29. Support for new claims 34-37 can be found, e.g., at page 25, lines 11 and 14. No new matter has been added.

Amendment of claims should in no way be construed as an acquiescence to any of the Examiner's rejections. The amendments to the claims are being made solely to expedite prosecution of the present application. Applicants reserve the option to further prosecute the same or similar claims in the instant or in a subsequent patent application.

Objection to claim 24 under 37 C.F.R. 1.75(c)

Claim 24 has been objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants respectfully traverse this rejection. However, for expediting prosecution of the application, Applicants have amended claim 24 by reciting that the neural cell is a cell that was differentiated *in vitro* from a stem cell. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection of claims 7, 8 and 22-24 under 35 U.S.C. 102(b) over Chen et al.

Claims 7, 8 and 22-24 were rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (1999) *J. Biol. Chem.* 274:6039 (Ref. C-18 of IDS). Applicants respectfully traverse this rejection.

Claims 7 and 22, as amended, are drawn to a method for promoting axonal growth in a neural cell, comprising contacting the neural cell with an amount of lithium or salt thereof sufficient to stimulate axonal growth, and confirming that axonal growth or growth of at least one axon occurred. Claims 8 and 23-24 depend from claims 7 and 22, respectively.

Chen et al. is relied upon by the Examiner as teaching "long term lithium treatment of primary *in vitro* cultures of cerebral granule cells, CGCs, which are CNS neural cells obtained from 'a subject', rat pups." Regarding claim 24, the Examiner states that "any neural cell is

differentiated from a stem cell at the early stage of embryonic development.” The Examiner further states that “[a]lthough the reference of Chen et al. does not address axonal growth of the CGCs treated with LiCl, recognition by a person of ordinary skill in the art is not required to show anticipation by inherency.”

A reference anticipates a claim if the reference teaches each and every element of the claim and is enabling. Applicants respectfully submit that Chen et al. fails to teach that axonal growth has been confirmed. In fact, Chen et al. does not mention axonal growth. Thus, since Chen et al. fail to teach each and every element of claims 7, 8 and 22-24, Chen et al. does not anticipate these claims.

Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection of claims 7, 9 and 22 under 35 U.S.C. 102(b) over Harada et al.

Claims 7, 9 and 22 were rejected under 35 U.S.C. 102(b) as being anticipated by Harada et al. (1996) *J. Toxicol. Environm. Health* 49:197 (Ref. C-14 of IDS). Applicants respectfully traverse this rejection.

Claims 7 and 22, as amended, are drawn to a method for promoting axonal growth in a neural cell, comprising contacting the neural cell with an amount of lithium or salt thereof sufficient to stimulate axonal growth, and confirming that axonal growth or growth of at least one axon occurred. Claim 9 depends from claim 7.

Harada et al. is relied upon by the Examiner as teaching “treatment of PC12 cells, which are rat pheochromocytoma cells derived from adrenal gland and represent peripheral nervous system cells.” The Examiner states that “[a]lthough reference of Harada et al. does not address axonal growth of the PC12 cells treated with LiCl, recognition by persons of skill in the art is not required to show anticipation by inherency.”

A reference anticipates a claim if the reference teaches each and every element of the claim and is enabling. Applicants respectfully submit that Harada et al. fails to teach that axonal growth has been confirmed. Thus, since Harada et al. fail to teach each and every element of claims 7, 9 and 22, Harada et al. does not anticipate these claims.

Reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

The Examiner may address any questions raised by this submission to the undersigned at 617-832-1000.

Dated: February 19, 2004

Respectfully submitted,
FOLEY HOAG LLP

A handwritten signature in black ink, appearing to read 'I. Clauss', written over a horizontal line.

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